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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 BARRY LAMON,

No. CIV S-03-0423-FCD-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 C.K. PLILER, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil
18 rights action pursuant to 42 U.S.C. § 1983. On September 22, 2005, the court directed plaintiff to
19 show cause in writing why this action should not be dismissed for failure to inform the court and
20 defendants of a change of address, as required by Eastern District of California Local Rule 83-
21 183(b). Based on plaintiff's recent filings, it appears that the court's docket now reflects
22 plaintiff's correct address. The order to show cause will, therefore, be discharged.


23 A review of the docket reflects that, on February 1, 2005, the court issued findings
24 and recommendations regarding defendants' motion to dismiss for failure to exhaust
25 administrative remedies. The findings and recommendations were adopted in full by order issued
26 on April 28, 2005. Pursuant to that order, plaintiff's unexhausted claims were dismissed without

1 prejudice. The order also contemplates that plaintiff will file a fourth amended complaint which
2 omits unexhausted claims, thereby allowing this action to proceed on exhausted claims only. The
3 court will hereby set a date by which plaintiff must comply. Plaintiff shall not allege any
4 additional claims, or name any additional defendants. Plaintiff is warned that failure to file an
5 amended complaint within the time provided in this order may be grounds for dismissal of this
6 action. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-01 (9th Cir. 1992); see also Local Rule 11-
7 110.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The court's September 22, 2005, order to show cause is discharged;
- 10 2. Plaintiff shall file and serve on defendants a fourth amended complaint
11 which omits unexhausted claims within 30 days of the date of service of this order; and
- 12 3. Defendants shall file a response to plaintiff's fourth amended complaint
13 within 20 days of the date of service thereof.

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15 DATED: November 8, 2005.

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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